

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 2911

House Bill No. 2463*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-224(a), is amended by deleting item (22) in its entirety.

SECTION 2. (a) Notwithstanding the provisions of Tennessee Code Annotated, Section 4-29-112, or any other law to the contrary, the Tennessee Elk River Development Agency, created by Section 64-1-301 shall terminate and shall cease all activities on the effective date of this act.

(b) All powers, duties, contractual obligations and functions of the agency are hereby transferred to the department of environment and conservation.

SECTION 3. All funds allotted to and held by the Tennessee Elk River Development Agency shall be distributed as follows:

(1) All contractual obligations and cooperative agreements with the Tennessee Valley Authority shall be satisfied;

(2) All administrative costs of the department to operate and maintain two (2) offices to effectuate the purposes of this act; and

(3) Any remaining funds shall be distributed to the following counties which are part of the Elk River watershed:

(A) Coffee county;

(B) Franklin county;

(C) Giles county;

(D) Grundy county;

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(E) Lauderdale county, Alabama;

(F) Lawrence county;

(G) Limestone county, Alabama;

(H) Lincoln county;

(M) Marshall county; and

(N) Moore county.

Such remaining funds shall be distributed to the counties as follows:

The commissioner or his designee, with the assistance of the comptroller of the treasury, shall conduct an accounting of all funds transmitted by the Tennessee Elk River development agency to the counties in the Elk River watershed from July 1, 1986 to the effective date of this act. The remaining funds shall be distributed to the counties in the Elk River watershed in such amounts so that each county shall have received approximately the same amount of funds from July 1, 1986 through the termination and distribution of the remaining assets of the Tennessee Elk River development agency.

Such remaining funds shall be distributed to the following counties:

(A) In Franklin county, a sum sufficient, not to exceed thirty thousand dollars (\$30,000), shall be allotted to construct a building for the volunteer fire department in the community of Broadview. The remaining funds distributed to Franklin county shall be allotted solely for capital projects for educational purposes;

(B) In Grundy county, all funds shall be allotted solely for new capital projects for educational purposes. No funds received as a result of this act shall be used for repairs or renovations of existing structures;

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(C) In Coffee county, all funds shall be allotted to the nonprofit education foundation program in such county which has received a determination of exemption under § 26 U.S.C. 501(c)(3) of the Internal Revenue Code and which is filed with the secretary of state;

(D) In Moore county, fifty percent (50%) of the funds shall be allotted to the Moore County Commission to be used solely for educational purposes for grades K-12, and fifty percent (50%) of the funds shall be allotted to Motlow State Community College to be used solely for such college's nursing program;

(E) In Giles county, fifty percent (50%) of the funds shall be allotted to the nonprofit education foundation program in such county which has received a determination of exemption under § 26 U.S.C. 501(c)(3) of the Internal Revenue Code and which is filed with the secretary of state, and fifty percent (50%) of the funds shall be allotted to the industrial development board in Giles county which is chartered by the state of Tennessee.

(F) In Lincoln county, all funds shall be allotted to the Fayetteville/Lincoln industrial development board to be used solely for capital projects.

(G) In Marshall county, all funds shall be allotted solely to the Marshall Education and Communication Center Project in Marshall county; and

(H) In Lawrence county, fifty percent (50%) of the funds shall be allotted to the nonprofit education foundation program in such county which has received a determination of exemption under § 26 U.S.C. 501(c)(3) of the Internal Revenue Code and which is filed with the secretary of state, and fifty percent (50%) of the funds shall be

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allotted to the industrial development board in Lawrence county which is chartered by the state of Tennessee. If no such industrial development board exists, then fifty percent (50%) of the funds shall be allotted to the county's legislative body to be appropriated by such body solely for capital projects to enhance economic development in Lawrence county;

(I) In Lauderdale county, all funds shall be distributed to the Alabama Elk River development agency for use in funding area development projects in Lauderdale and Limestone counties which are jointly approved by the Alabama Elk River development agency and the Tennessee Valley Authority; and

(J) In Limestone county, all funds shall be distributed to the Alabama Elk River development agency for use in funding area development projects in Lauderdale and Limestone counties which are jointly approved by the Alabama Elk River development agency and the Tennessee Valley Authority.

SECTION 4. All interests in real property and in water rights held by the Tennessee Elk River Development Agency shall be transferred to the department of environment and conservation. If the department of environment and conservation sells or leases any parcel of land or any other property transferred from the Tennessee Elk River development agency, the proceeds of such sales or leases shall be distributed as follows:

(1) Fifty percent (50%) shall be retained by the department to effectuate the purposes of this act; and

(2) Fifty percent (50%) shall be distributed among the counties in the manner as described in Section 3 of this act.

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SECTION 5. The general assembly hereby urges the department of environment and conservation to not charge boat dock fees, enhancement fees or development fees as a charge to access to Tims Ford Lake or for the purpose of shoreline improvements as set forth in Tennessee Code Annotated, Section 64-1-303(1)(F).

SECTION 6. The general assembly urges the department to dispose of all remaining properties belonging to the Tennessee Elk River development agency as expeditiously as practicable and lawful.

SECTION 7. Any project initiated by the Tennessee Elk River Development Agency that has received final approval from the Tennessee Valley Authority shall be implemented as provided in the agreements between the parties or any successor of a party.

SECTION 8. Nothing in Sections 4 and 6 of this act, as amended, shall apply to lands held for the purposes authorized by Chapter 528 of the Public Acts of 1993 or for expansion of Tims Ford State Park.

SECTION 9. The general assembly hereby urges the department to maintain any lands it may acquire pursuant to this act which are not deemed suitable for development as natural habitats for the preservation of game, non-game and endangered wildlife species.

SECTION 10. In addition, the general assembly urges the department to work with landowners in areas around Tims Ford Lake to ensure that the department has adequate ingress and egress to all its properties and to ensure that the landowners have adequate ingress and egress to their properties.

SECTION 11. The Tennessee code commission is hereby directed to make any and all necessary changes to Tennessee Code Annotated to reflect the provisions of this act.

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SECTION 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 13. This act shall take effect upon becoming a law, the public welfare requiring it.